



Alexandria Police Department

Directive 10.30



SEARCH WARRANTS

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10.30.01 POLICY AND PURPOSE

It is the policy of this Department to conduct all searches in accordance with all federal, state and local laws and constitutional guidelines.

The purpose of this Directive is to:

- Establish guidelines for obtaining search warrants;
- Ensure proper execution of search warrants;
- Ensure proper completion and handling of legally required documents when a search warrant is executed, or attempted and not executed; and
- Ensure documentation and reporting of instances regarding mistaken entry.

10.30.02 AUTHORITY

Obtaining a search warrant is covered under Sections 19.2-52 through 19.2-60 of the Code of Virginia. The Code of Virginia §19.2-59.1 specifies conditions governing when and how strip searches may be conducted.

10.30.03 OBTAINING A SEARCH WARRANT

- A. Vice and narcotics search warrants are the primary concern of Vice/Narcotics. To avoid any potential interference with ongoing investigations, no vice or narcotics-related search warrant should be obtained without the prior notification of a Vice/Narcotics supervisor.
- B. Search Warrants (State Form DC339) will be obtained only from the magistrates, or from a judge in extraordinary cases.
 - 1. An Affidavit for A Search Warrant (State Form DC338) supporting the issuance of a warrant will be made prior to the time the search warrant is issued, and a copy of the affidavit becomes a part of, and is served with the search warrant.
 - 2. The issuing magistrate retains the original copy of the affidavit at the time of issuance.
 - 3. The search warrant and affidavit must state the crime and the Code Section for which the warrant is being obtained.
- C. The officer obtaining a search warrant will take reasonable precautions to make certain that the premises listed in the warrant are the premises to be searched. This officer should be alert for any change of circumstances that negates the reason for the search.
- D. *Any officer/ detective wishing to obtain a search warrant must first seek permission from their supervisor. Supervisors will review the completed search warrant and affidavit prior to the magistrate's review.*

10.30.04 PRE-ENTRY

- A. The Virginia State Code, under Section 19.2-56, requires that a search warrant be executed within fifteen (15) days after issuance or otherwise be returned and voided by the issuing magistrate or judge.
- B. All reasonable measures will be taken by the officer obtaining the warrant to establish the ownership, occupancy, and description, *both* interior and exterior, of the search site.
- C. The primary investigating officer will conduct a briefing prior to the execution of the warrant, with all officers of the search team present. Factors that should be presented at the briefing should include but are not limited to:
 - 1. Review of site characteristics;
 - 2. Description of potential occupants and any associated dangers they may pose;
 - 3. Description of items sought at the search site and any indication of their possible locations;

4. Assignment of responsibilities for members of the search team; and
5. Review of facts of the case.

- D. [REDACTED]
[REDACTED] Search teams will include at least one (1) uniformed officer in all instances. The uniformed officer should be the most visible member of the search team at the time of entry.
- E. When appropriate, at the discretion of a supervisor or the investigating officer, the *Department of Emergency Communications (DEC)* supervisor will be contacted and advised of pending search warrant executions. It will be general policy that the supervisor or primary investigator requests a clear radio channel during the warrant execution, until the search site is secured.
- F. The primary investigating officer will ensure that the premises about to be entered are the premises listed in the warrant. If it is not certain that the premises to be entered are the same as those listed in the warrant or that the reason for the search no longer exists, no entry will be made.

10.30.05 ENTRY

- A. Before any forced entrance to the premises, i.e., use of a pass key, opening an unlocked door, forcing the door open, or entry through a door opened by an occupant, the primary investigator or a uniformed officer must notify persons inside the search site of the team's presence and announce, in a voice loud enough to be heard inside the search site, that they are police officers and have a warrant to search the premises and demand admission to the premises at once.
- B. *Officers will make sure they complete the Warrant Threat Assessment Matrix form APD-0603 (PD 10.33 Appendix A). It is the officers' responsibility to make every effort to complete this form accurately and with as much supporting detail as possible.*
- C. The Special Operations Team *will be consulted* when the execution of a search warrant may present a high risk of injury or loss of life.
- D. *The police no longer need to seek approval from the Commonwealth's attorney's office when executing a search warrant "no knock".*
- E. *Any APD Officer must be able to articulate facts about the target residence or persons therein in each case and obtain the approval of their commander prior to affecting "no knock" entry. Such facts may include, but would not be limited to, the following:*
- 1. The violent criminal history of a person or persons believed to be present in the residence that is the object of the search;*
 - 2. A specific threat of violence towards police made by a person or persons believed to be present in the residence;*

3. *Knowledge that a person or persons believed to be in the residence have actually committed a violent crime in the recent past, regardless of whether or not they were convicted of such offense;*
 4. *Knowledge that a person or persons believed to be in the residence have fought police, resisted arrested, destroyed evidence or fled arrest in the recent past;*
 5. *In unusual cases, the nature of the criminal offense being investigated, such as a particularly violent assault, coupled with a belief that the perpetrator is in the residence to be searched;*
 6. *Knowledge that exceptionally dangerous substances posing an unusual threat are inside of the residence, such as bombs, explosives or noxious chemicals;*
 7. *Specific facts suggesting that a person or persons believed to be in the residence are likely to destroy evidence at the sight of police;*
 8. *Knowledge that a person or persons in the residence have taken steps to alert themselves of police approach, such as a closed-circuit camera system;*
 9. *Knowledge that a person or persons inside of the residence are actually aware of police approach; such as circumstances where a person inside of the residence opens the target entry door during the approach of an entry team;*
- F. In regards to knock and announce search warrants – officers must wait a reasonable amount of time to enter the residence making a forced entry. A reasonable amount of time may vary depending upon the time of day and size of the residence.
- G. Whenever possible, premises will be entered in a professional and non-destructive manner.
- H. *If a search warrant is obtained for a client located at a “protected facility”,*
- I. *(i.e., Alexandria Regional Detoxification Center, Alexandria Mental Health, or any other facility where staff is precluded from disclosing the identity of clients), officers will follow procedures in accordance with Police Directive 10.33.09-Writs.*

10.30.06 THE SEARCH

- A. In the event the search site is occupied, a copy of the search warrant, with a copy of the affidavit attached, will be served on the appropriate person at the site.

- B. The search site will be secured. Each room of the premises will be immediately examined for persons who may interfere with the execution of the warrant.
- C. Whenever damage results from a forced entry to execute a search warrant or during the conducting of the search, an Offense/Incident Report (APD-7) will be completed by the primary investigating officer describing the damage and how it occurred. If an APD-7 already exists for the event, a Supplement (APD-7A) will be completed.
- D. If a person is designated in the search warrant as one to be searched, he/she may be searched. The procedures addressed herein, that are required to properly execute a search warrant when the search site is a building or vehicle, will apply in the execution of a search warrant to search a person.
 - 1. If persons are present, and the officer has reasonable belief that they may have a weapon, the officer may conduct a pat down.
 - 2. If persons are present, leaving, or entering the house to be searched as the police arrive or are in the process of searching the house they may be detained during the search.
 - 3. If evidence is found in the house which forms the basis for the arrest of persons present, then those persons may be lawfully searched incident to that arrest.
 - 4. If persons present during the search make some gesture indicative of criminal conduct, or make a movement suggesting an attempt to conceal evidence, this will establish probable cause to search those persons at that time.
 - 5. In short, persons cannot be searched just because they are present on the premises. Officers must either have prior information with respect to a specific person who is included on the warrant, or observe circumstances during the execution of the search warrant which give rise to probable cause to believe that a person is engaged in criminal conduct.
 - 6. Restrictions may be placed on the movement of any person at the search site. This restriction is essential to prevent interference with the search and to safeguard the search team and other persons involved.
 - 7. Strip searches may be conducted only when there is probable cause to believe a subject is concealing evidence, contraband or weapons on their person that can only be recovered if a strip search is conducted. All strip searches will be conducted in a secure area away from the view of others and will be performed by an officer of the same sex as the subject being searched.
 - 8. No strip searches will occur without approval by a Sergeant or above.
 - 9. Searches of body cavities other than the mouth will be conducted by trained medical personnel in accordance with Code of Virginia §19.2-59.1 and in the presence of an officer of the same sex as the subject being searched.
- E. If evidence is located, the primary investigating officer may request that a Crime Scene Investigator respond and process same. The evidence will then be turned in to Property and a Property Inventory (APD-39) will be completed.

10.30.07 POST-SEARCH

- A. A member of the search team will record in writing the entire process of the execution of a search warrant and complete an APD-7A with appropriate information. The record will reflect the identity of all members of the search team, occupants of the search site, items seized, and any other pertinent information related to the warrant execution.
- B. In the event of a mistaken entry during the execution of a search warrant, a fully detailed memorandum regarding the incident will be forwarded through channels to the Chief of Police by the primary investigating officer. The Chief of Police will determine if there is a need for an investigation of the incident by Internal Investigations.
- C. The officer executing a search warrant will, under oath, list on the back of the warrant in the location designated for search inventory, all items seized as a result of the search or a notation that no property was seized if that was the case.
 - 1. The officer must, within three (3) days after the search, file the original executed search warrant containing an inventory of the seized items with the Clerk of the Circuit Court as stated in Section 19.2-57, Code of Virginia.
 - 2. The three (3) day period does not include Saturdays, Sundays, or legal State or Federal holidays.
 - 3. A copy of the notarized inventory will be retained by the officer preparing it, as proof that he or she has complied with this law.

By Authority Of:

**David Huchler
Acting Chief of Police**